

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JERRY SOMERSET,

Plaintiff,

-against-

PARTNERS PHARMACY, LLC,

Defendant.

20-CV-1225 (CM)

ORDER OF DISMISSAL

COLLEEN McMAHON, Chief United States District Judge:

Plaintiff brings this *pro se* action, alleging that Defendant has violated his rights under federal law. Plaintiff did not sign the complaint, and he did not pay the \$400 in fees necessary to commence an action in this Court or submit an application to proceed *in forma pauperis* (IFP). The Court dismisses the complaint for the following reasons.

Plaintiff submitted to this Court an identical complaint against Defendant in which he asserts the same allegations. That case is presently pending in this Court under docket number ECF 1:20-CV-1241. In that action, Plaintiff signed the complaint and submitted an IFP application. As this complaint raises the same claims, no useful purpose would be served by litigating this duplicate lawsuit. Therefore, this complaint is dismissed without prejudice to Plaintiff's pending case under docket number 1:20-CV-1241.

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket.

The Court dismisses Plaintiff's complaint as duplicative. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith and

therefore IFP status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: February 14, 2020  
New York, New York

A handwritten signature in black ink, appearing to read "Colleen McMahon", is positioned above a horizontal line.

COLLEEN McMAHON  
Chief United States District Judge